

The Niagara Movement was the forerunner to the National Association for the Advancement of Colored People. It was founded in 1905 by a group of black intellectuals, led by W.E.B. DuBois, John Hope, and William Monroe Trotter, who called for full civil liberties, an end to racial discrimination, and recognition of human brotherhood.

In my home State of California, you will find many African American leaders who have contributed to the legacy set forth by the Niagara Movement. They are true humanitarians and epitomize the ideals of the civil rights movement.

I would first like to recognize Roy Willis, a resident of my hometown of San Francisco, for his 35 years of history-making contributions to California and over 45 years of service to our nation as a civil rights pioneer.

In 1958, Roy Willis ended racial segregation at the University of Virginia by becoming its first African American student.

In 1967, he went on to Harvard Business School to earn his MBA. While at Harvard he organized and co-founded the Harvard Business School African American Student Union over strenuous objection from the school's administration. Despite their objections, the AASU was able to convince the administration that it needed to do much more to recruit African American students.

Thanks to the pioneering efforts of Mr. Willis, the Harvard Business School AASU has helped to graduate thousands of African American MBAs over the past 36 years. It has produced many of today's brightest leaders, and continues to create the leaders of tomorrow.

Roy moved to northern Californian after earning his MBA in 1969. In the early 1970s he became one of the founding members of BAPAC, the Black American Political Association of California, which has become one of California's largest and most effective organizations in the areas of voter registration, homeownership and economic development.

He has enjoyed a successful career in real estate development, and dedicates himself to creating projects that enhance the community.

The next great Californian I would like to recognize is Bishop Hamel Hartford Brookins, better known as Bishop H. H. Brookins.

He is truly a living legend. Bishop Brookins ascended to positions of international leadership as a champion of black political and economic empowerment, Third World liberation, business enterprise development, and church growth.

After graduating from the University of Kansas, Bishop Brookins was thrust into the civil rights arena in 1954 in the wake of hostile reactions by Wichita citizens to the historical Supreme Court decision, *Brown vs. the Board of Education*. Bishop Brookins organized and was elected President of a 200

member interracial ministerial alliance which was committed to the peaceful effective implementation of the desegregation decision. From Kansas, Bishop Brookins was appointed to the prestigious First AME Church of Los Angeles where he was a major force in quelling the Watts riots of 1965.

At the 1972 General Conference of the African Methodist Episcopal Church, he was elected 91st Bishop of the African Methodist Episcopal Church. His assignments as Bishop have taken him across the country and around the world.

One of his biggest accomplishments has been establishing the first modern day economic development program in the African Methodist Episcopal Church. Under his inspired leadership, church members have invested more than \$1,000,000 in "The People's Trust Fund," which provides loans to black entrepreneurs who have been denied bank loans, enables churches to obtain loans at reduced rates, provides scholarships to black theology students, and assists the elderly and indigent with emergency funds.

Outside the church, Bishop Brookins demonstrates his zealous concern for meaningful social action through his Chairmanship of the Board of Directors of the South Los Angeles Development Corporation, a \$6 million state funded job training program which has successfully placed more than 4,000 black teenagers in jobs in the electronics and word processing fields. In addition, he is one of the founding members of Operation PUSH and has served as a national board member of TransAfrica, an organization that lobbies on behalf of African and Third World countries.

Bishop Brookins is a local hero in Los Angeles. Because of his passion for social justice and racial equality, African Americans in the City of Los Angeles have moved forward in the areas of housing, public education, health, and unemployment.

The story of struggles and triumphs of African Americans cannot be told without including the pastor of the First African Methodist Episcopal Church of Los Angeles, the Rev. Cecil L. "Chip" Murray.

In 1977 Dr. Murray was assigned to First AME Church, the oldest black church in Los Angeles. His new church family had 300 active members when he arrived, but under his leadership the congregation has multiplied to over 17,000 members.

Reverend Murray has helped First AME Church to develop a program called "Beyond the Walls," which consists of close to 40 task forces that help deal with issues affecting the congregation and community as a whole. Each member joins a task force to help take the effort to every corner of the community.

Dr. Murray has exhorted his congregation to go beyond Bible studies and reach out to build 2,000 units of low-income housing, provide thousands

of jobs, expand neighborhood food programs and educate young people through college scholarships and its own elementary schools.

Though Reverend Murray retired last year, ending his illustrious 27-year tenure as leader of First AME Church, he has left an indelible mark on the community.

Each of these leaders has made a profound impact which reaches far beyond their local communities. They are just a few of the many who have given their blood, sweat, and tears to make America a better place for themselves and for their children.

They have had many successes, but the struggle is not over. We can always do better, and these heroes fight every day to continue the legacy of the civil rights movement and to make America a more perfect union.

Mr. President, I am pleased to take the time today during Black History Month to honor these individuals and the many tremendous contributions that African Americans make every day to our society. ●

AgJOBS ACT OF 2005

● Mr. CRAIG. Mr. President, on February 10, I introduced S. 359, the Agricultural Job Opportunity, Benefits, and Security Act of 2005—AgJOBS. I ask that materials I am submitting in support of that bill be printed in the RECORD.

The material follows.

THE NEED FOR AGJOBS LEGISLATION—NOW, FEBRUARY 2005

Americans need and expect a stable, predictable, legal work force in American agriculture. Willing American workers deserve a system that puts them first in line for available jobs with fair, market wages. All workers deserve decent treatment and protection of basic rights under the law. Consumers deserve a safe, stable, domestic food supply. American citizens and taxpayers deserve secure borders, a safe homeland, and a government that works. Yet we are being threatened on all these fronts, because of a growing shortage of legal workers in agriculture.

To address these challenges, a bipartisan group of Members of Congress has introduced the Agricultural Job Opportunity, Benefits, and Security (AgJOBS) Act of 2005. This bipartisan effort builds upon years of discussion and suggestions among growers, farm worker advocates, Latino and immigration issue advocates, Members of both parties in both Houses of Congress, and others. In all substantive essentials, this bill is the same as S. 1645/H.R. 3142 in the 108th Congress.

THE PROBLEMS

Of the USA's 1.6 million agricultural work force, more than half is made up of workers not legally authorized to work here—according to a conservative estimate by the Department of Labor, based, astoundingly, on self-disclosure in worker surveys. Reasonable private sector estimates run to 75 percent or more.

With stepped-up documentation enforcement by the Social Security Administration and the Bureau of Immigration and Customs Enforcement (the successor to the old INS), persons working here without legal documentation are not leaving the country, but just being scattered. The work force is being constantly and increasingly disrupted. Ag

employers want a legal work force and must have a stable work force to survive—but Federal law actually punishes “too much diligence” in checking worker documentation. Some growers already have gone out of business, lacking workers to work their crops at critical times.

Undocumented workers are among the most vulnerable persons in our country, and know they must live in hiding, not attract attention at work, and move furtively. They cannot claim the most basic legal rights and protections. They are vulnerable to predation and exploitation. Many have paid “coyotes”—labor smugglers—thousands of dollars to be transported into and around this country, often under inhumane and perilous conditions. Reports continue to mount of horrible deaths suffered by workers smuggled in enclosed truck trailers.

Meanwhile, the only program currently in place to respond to such needs, the H-2A legal guest worker program, is profoundly broken. The H-2A status quo is slow, bureaucratic, and inflexible. The program is complicated and legalistic. DOL's compliance manual alone is over 300 pages. The current H-2A process is so expensive and hard to use, it places only about 30,000–50,000 legal guest workers a year—2 percent to 3 percent of the total ag work force. A General Accounting Office study found DOL missing statutory deadlines for processing employer applications to participate in H-2A more than 40 percent of the time. Worker advocates have expressed concerns that enforcement is inadequate.

THE SOLUTION—AGJOBS REFORMS

AgJOBS legislation provides a two-step approach to a stable, legal, safe, ag work force: (1) Streamlining and expanding the H-2A legal, temporary, guest worker program, and making it more affordable and used more—the long-term solution, which will take time to implement; (2) Outside the H-2A program, a one-time adjustment to legal status for experienced farm workers, already working here, who currently lack legal documentation—the bridge to allow American agriculture to adjust to a changing economy.

H-2A Reforms: Currently, when enough domestic farm workers are not available for upcoming work, growers are required to go through a lengthy, complicated, expensive, and uncertain process of demonstrating that fact to the satisfaction of the Federal government. They are then allowed to arrange for the hiring of legal, temporary, non-immigrant guest workers. These guest workers are registered with the U.S. government to work with specific employers and return to their home countries when the work is done. Needed reforms would replace the current quagmire for qualifying employers and prospective workers with a streamlined “attestation” process like the one now used for H-1B high-tech workers, speeding up certification of H-2A employers and the hiring of legal guest workers. Participating employers would continue to provide for the housing and transportation needs of H-2A workers. New adjustments to the Adverse Effect Wage Rate would be suspended during a 3-year period pending extensive study of its impact and alternatives. Other current H-2A labor protections for both H-2A and domestic workers would be continued. H-2A workers would have new rights to seek redress through mediation and Federal court enforcement of specific rights. Growers would be protected from frivolous claims, exorbitant damages, and duplicative contract claims in State courts.

The only experience our country has had with a broadly-used farm guest worker program (used widely in the 1950s but repealed in the 1960s) demonstrated conclusive, and

instructive, results. While it was criticized on other grounds, it dramatically reduced illegal immigration while meeting labor market needs.

ADJUSTMENT OF WORKERS TO LEGAL STATUS

To provide a “bridge” to stabilize the ag work force while H-2A reforms are being implemented, AgJOBS would create a new earned adjustment program, in which farm workers already here, but working without legal authorization, could earn adjustment to legal status. To qualify, an incumbent worker must have worked in the United States in agriculture, before January 1, 2005, for at least 100 days in a 12-month period over the last 18 months prior to the bill's introduction. (The average migrant farm worker works 120 days a year.)

This would not spur new immigration, because adjustment would be limited to incumbent, trusted farm workers with a significant work history in U.S. agriculture. The adjusting worker would have non-immigrant, but legal, status. Adjustment would not be complete until a worker completes a substantial work requirement in agriculture (at least 360 days over the next 3–6 years, including 240 days in the first 3 years).

Approximately 500,000 workers would be eligible to apply (based on current workforce estimates). Their spouses and minor children would be given limited rights to stay in the U.S., protected from deportation. The worker would have to verify compliance with the law and continue to report his or her work history to the government. Upon completion of adjustment, the worker would be eligible for legal permanent resident status. Considering the time elapsed from when a worker first applies to enter the adjustment process, this gives adjusting workers no advantage over regular immigrants beginning the legal immigration process at the same time.

AgJOBS would not create an amnesty program. Neither would it require anything unduly onerous of workers. Eligible workers who are already in the United States could continue to work in agriculture, but now could do so legally, and prospectively earn adjustment to legal status. Adjusting workers may also work in another industry, as long as the agriculture work requirement is satisfied.

AGJOBS IS A WIN-WIN-WIN APPROACH

Workers would be better off than under the status quo. Legal guest workers in the H-2A program need the assurance that government red tape won't eliminate their jobs. For workers not now in the H-2A program, every farmworker who gains legal status finally will be able to assert legal protection—which leads to higher wages, better working conditions, and safer travel. Growers and workers would get a stable, legal work force. Consumers would get better assurance of a safe, stable, American-grown, food supply—not an increased dependence on imported food. Law-abiding Americans want to make sure the legal right to stay in our country is earned, and that illegal behavior is not rewarded now or encouraged in the future. Border and homeland security would be improved by bringing workers out of the underground economy and registering them with the AgJOBS adjustment program. Overall, AgJOBS takes a balanced approach, and would work to benefit everyone.

AGRICULTURAL JOB OPPORTUNITY, BENEFITS, AND SECURITY ACT OF 2005—OVERVIEW AND SUMMARY OF SIGNIFICANT PROVISIONS, FEBRUARY 2005

OVERVIEW

The Agricultural Job Opportunity, Benefits, and Security Act of 2005 is, in all substantive essentials, the same as S. 1645,

which attracted 63 Senate cosponsors in the 108th Congress.

TITLE I—ADJUSTMENT OF AGRICULTURAL WORKERS TO TEMPORARY AND PERMANENT RESIDENT STATUS

Title I establishes a program whereby agricultural workers in the United States who lack authorized immigration status but who can demonstrate that they have worked 100 or more days in a 12 consecutive month period during the 18-month period ending on December 31, 2004 can apply for adjustment of status. Eligible applicants would be granted temporary resident status. If the farmworker performs at least 360 work days (no less than 2,060 hours) of agricultural employment during the six-year period after the date of enactment, including at least 240 work days (no less than 1,380 hours) during the first three years following adjustment, and at least 75 days (no less than 430 hours) of agricultural work during each of three 12-month periods in the six years following adjustment to temporary resident status, the farmworker may apply for permanent resident status.

During the period of temporary resident status the farmworker is employment authorized, and can travel abroad and reenter the United States. Workers adjusting to temporary resident status may work in non-agricultural occupations, as long as their agricultural work requirements are met. While in temporary resident status, workers may select their employers and may switch employers. During the period of temporary resident status, the farmworker's spouse and minor children who are residing in the United States may remain in the U.S., but are not employment authorized. The spouse and minor children may adjust to permanent resident status once the farmworker adjusts to permanent resident status. Unauthorized workers who do not apply or are not qualified for adjustment to temporary resident status are subject to removal. Temporary residents under this program who do not fulfill the agricultural work requirement or are inadmissible under immigration law or commit a felony or three or more misdemeanors as temporary residents are denied adjustment to permanent resident status and are subject to removal. The adjustment program is funded through application fees.

TITLES II AND III—REFORM OF THE H-2A TEMPORARY AND SEASONAL AGRICULTURAL WORKER PROGRAM

This section modifies the existing H-2A temporary and seasonal foreign agricultural worker program. Employers desiring to employ H-2A foreign workers in seasonal jobs (10 months or less) will file an application and a job offer with the Secretary of Labor. If the application and job offer meet the requirements of the program and there are no obvious deficiencies the Secretary must approve the application. Employers must seek to employ qualified U.S. workers prior to the arrival of H-2A foreign workers by filing a job order with a local job service office at least 28 days prior to date of need and also authorizing the posting of the job on an electronic job registry.

All workers in job opportunities covered by an H-2A application must be provided with workers' compensation insurance, and no job may be filled by an H-2A worker that is vacant because the previous occupant is on strike or involved in a labor dispute. If the job is covered by a collective bargaining agreement, the employer must also notify the bargaining agent of the filing of the application. If the job opportunity is not covered by a collective bargaining agreement, the employer is required to provide additional benefits, as follows.

The employer must provide housing at no cost, or a monetary housing allowance where

the Governor of a State has determined that there is sufficient migrant housing available, to workers whose place of residence is beyond normal commuting distance. The employer must also reimburse inbound and return transportation costs to workers who meet employment requirements and who travel more than 100 miles to come to work for the employer. The employer must also guarantee employment for at least three quarters of the period of employment, and assure at least the highest of the applicable statutory minimum wage, the prevailing wage in the occupation and area of intended employment, or a reformed Adverse Effect Wage Rate (AEWR). If the AEWR applies, it will not be higher than that existing on January 1, 2003 and if Congress fails to enact a new wage rate within 3 years, the AEWR would be indexed to changes in the consumer price index, capped at 4 percent per year, with increases applied beginning the first March 1 following three years from the date of enactment. Employers must meet specific motor vehicle safety standards.

H-2A foreign workers are admitted for the duration of the initial job, not to exceed 10 months, and may extend their stay if recruited for additional seasonal jobs, to a maximum continuous stay of 3 years, after which the H-2A foreign worker must depart the United States. H-2A foreign workers are authorized to be employed only in the job opportunity and by the employer for which they were admitted. Workers who abandon their employment or are terminated for cause must be reported by the employer, and are subject to removal. H-2A foreign workers are provided with a counterfeit resistant identity and employment authorization document.

The Secretary of Labor is required to provide a process for filing, investigating and disposing of complaints, and may order back wages and civil money penalties for program violators. The Secretary of Homeland Security may order debarment of violators for up to 2 years. H-2A workers are provided with a limited federal private right of action to enforce the requirements of housing, transportation, wages, the employment guarantee, motor vehicle safety, retaliation and any other written promises in the employer's job offer. Either party may request mediation after the filing of the complaint. State contract claims seeking to enforce terms of the H-2A program are preempted by the limited Federal right of action. No other state law rights are preempted or restricted.

The administration of the H-2A program is funded through a user fee paid by agricultural employers.

TECHNICAL ADJUSTMENTS MADE IN THE 2005 AGJOBS BILL

Several technical adjustments have been made to update or clarify provisions, relative to the predecessor bill introduced in 2003 (S. 1645). They include the following:

Relevant dates associated with H-2A and earned adjustment provisions have been updated to reflect the passage of time since the original bill's introduction. Affected provisions remain substantively equivalent. The AEWR in 2009 and thereafter would be the same as if the 2003 bill (S. 1645) had been enacted in 2003.

Time frames associated with the H-2A adverse effect wage rate and study, and future work requirements under the earned adjustment program, have been modified from "hard dates" to fixed time periods after date of enactment to ensure that the effect of the provisions remains constant regardless of timing of enactment.

Language regarding eligibility for adjustment or grounds for removal for various acts has been added to clarify that the spouse or

minor children of an alien applying for or working under temporary residency are held to the same strict standards for lawful behavior, and are excludable or deportable under the same standards that apply to the alien worker.

New language clarifies that the bill does not limit the use or release of information contained in files or records of the Department of Homeland Security regarding criminal convictions or other information for immigration enforcement or law enforcement purposes.

Clarifying language has been added to conform with the Personal Responsibility and Work Opportunity (Welfare Reform) Act of 1996, to ensure that adjusting AgJOBS workers have no advantage over other, legal immigrants, with regard to the timing and eligibility of means-tested public benefits.

Technical clarifications have been made to carry out the authors' original intent only to authorize appropriations, not create or imply mandatory spending, to administer the Act.●

CARDINAL THEODORE MCCARRICK

● Mr. LEAHY. Mr. President, at the end of last year, Marcelle and I attended an event at Georgetown University where Cardinal Theodore McCarrick was awarded a honorary degree.

Everyone present at this ceremony was captured by the remarks that the archbishop gave in accepting the degree. He artfully wove us through three "stories" to demonstrate the importance of a Catholic university in the Jesuit tradition.

So that all of my colleagues have an opportunity to review the remarks of Cardinal McCarrick, and because of the admiration I have for him, I ask that his acceptance speech at the award of his honorary degree from Georgetown University be printed in the RECORD.

The material follows:

REMARKS BY THEODORE CARDINAL MCCARRICK, D.D., PH.D., ARCHBISHOP OF WASHINGTON, ON THE OCCASION OF HIS RECEIVING A HONORARY DEGREE, GEORGETOWN UNIVERSITY, DECEMBER 1, 2004

As Father Brian [McDermott] was reading those wonderful words and as the president repeated them, I thought of the wonderful Jewish expression, "From your mouth to God's ears." I just hope the Lord doesn't get mad that you said all those nice things about me. Dr. President, Dr. Villani, Chairman of the Board, members of the board, Your Excellency, The Apostolic Nuncio [Archbishop Gabriel Montalvo] and my brother bishops, my—I guess I should say my Georgetown family now—and I say that with great joy.

I want to begin by telling you sincerely how honored I am in receiving this degree from Georgetown. I've long regarded this institution as one of the finest educational institutions in the United States. During my four years in Washington, I've always felt part of it in a very special way. To receive its degree now is a very special joy for me, and I want you all to know how much I do appreciate it.

I have tremendous respect for your president, Dr. DeGioia. I was privileged to be present at his inauguration, and to prophesy at that time that he would lead this institution to greater heights of excellence and to a continuing growth in the realization of its mission as a Catholic university in the Jes-

uit tradition. My prophecy is coming true every day.

My respect for the Society of Jesus goes back to my early years of high school when I admired the Jesuits so much that I found myself going to two of their high schools, not at the same time, but one after the other until I finally got it right and received my diploma. My own education in high school and college has been much enhanced by the excellence of the ratio studiorum and by its challenges. It has been an education for which I am so very grateful, and through which I have been so very blessed. As a matter of fact, since the rector of Georgetown is my personal theologian, I'm still learning from the Society and appreciating that wisdom and insight so very much.

My relationship to Georgetown, as I began to intermit a moment ago, is not of a visitor in a Catholic institution. The local bishop is always part of any enterprise which is related to the Church. A university such as ours is clearly one of the great boasts and glories of our Catholic community here in Washington. I have been here many times during the last four years. I've enjoyed that privilege. I've been here for academic celebrations, for lectures, for interfaith moments of prayer, at times of national crisis, for meetings with students, and often for Mass in your chapels. In the beginning, I was happy to be welcomed by all of you at the University. Now I no longer see myself just as a welcomed visitor, but as part of the family. It is therefore always a joy when I hear someone say instead of "Welcome to the University," "It's nice to have you back."

Georgetown University, in its stated mission, sees itself truly and essentially as a Catholic institution in the Jesuit tradition. That fact opens its life to many wonderful challenges and many great opportunities. It is a place where Catholic scholars may freely exercise a faithful witness to what the Church teaches. It is a place where non-Catholic scholars and professors, who add so much to the life of this institution, can pursue their own fields of study with the assurance that truth is the master here, and that its pursuit is always welcome. Their understanding of the mission of this institution adds so much to society's understanding of what Georgetown is all about. I pray that those who are not Catholic, both in the faculty and the student body, will always find inspiration an example from the Catholics who teach here, both cleric and lay, as well as a deeper understanding of what we're all about, and what our mission is—not just in the Church but in society and in the world at large.

The preparation of Catholic leaders for the future of our nation is a noble role. The preparation of those who are not Catholic in their own burgeoning opportunity to play roles of leadership in our country, has an equal importance because it enables the leaders of tomorrow to learn about us, about the Church, and to appreciate our own Catholic mission in this complex society. This has always been one of the great roles of the Society of Jesus, and I pray it will continue always to be so here at Georgetown. May those of the immediate family always be challenged to holiness, and those of the wider family allowed to see what our life in the Lord and in His church is all about. In the religious life of the students and faculty at Georgetown, may there always be this quest for holiness since this has to be the role within any Catholic institution. The example of the Jesuits, according to the rule of the great Ignatius, must always be a challenge, not just to holiness of life, but to priests in religious vocations both for the Society and for the Diocesan in priesthood, and for religious life as well. I always rejoice